

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
-vs-) Case No. CR-19-372-019-F
)
ELIZABETH RENDON,)
)
Defendant.)

ORDER

On October 29, 2021, defendant Elizabeth Rendon was sentenced by this court to a term of imprisonment of 145 months and a term of supervised release of ten years for drug conspiracy in violation of 21 U.S.C. § 846. Doc. nos. 784 and 786. In sentencing defendant, the court varied below the advisory guideline range of 262 to 327 months' imprisonment.

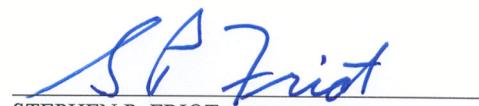
The court is in receipt of a "Motion for Reconsideration 18 U.S.C. [§] 3742(e) Post-Sentencing Rehabilitation Programming." Doc. no. 1040. Upon review, the court concludes a response from the government is not required.

In her motion, defendant requests a reduction of sentence pursuant to 18 U.S.C. § 3742(e) based upon her post-sentencing rehabilitation efforts. According to defendant, she has received "7 certificates" since her incarceration. Defendant cites Pepper v. United States, 562 U.S. 476 (2011), in support of her motion. However, in Pepper, the Supreme Court held that a district court may consider evidence of a defendant's post-sentencing rehabilitation "when a defendant's sentence has been set aside on appeal and [her] case remanded for resentencing[.]"

Id. at 490. In this case, defendant's sentence has not been set aside by the Tenth Circuit Court of Appeals and remanded to this court for resentencing. Consequently, § 3742(e) and Pepper do not provide authority for the court to reduce defendant's sentence. As such, defendant is not eligible for a sentence reduction under § 3742(e) and the court finds defendant's motion should be dismissed.

Accordingly, defendant Elizabeth Rendon's "Motion for Reconsideration 18 U.S.C. [§] 3742(e) Post-Sentencing Rehabilitation Programming" (doc. no. 1040), is **DISMISSED**.

DATED this 6th day of August, 2024.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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